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Ernie Watkins /DC/USEPA/US To

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History:

This message has been replied to.

Hi Gwendolyn,

My comment reads Deed restriction is not a useful designation. Talk to Sherri Bianchin or Sherry Estes in R5 for suggestions.

See the info below I received this summer on the ICs in our decision documents from our resident IC guru Mike Bellot:

The approach for ICs in some ways approximates how you do a conceptual site model. Specifically, the idea is to clearly relate three distinct concepts: 1) the area of contaminated media requiring an IC (i.e., shallow groundwater, soils under the cap, sediment in the river, etc), 2) the IC objective(s) (i.e., don't ingest groundwater, don't dig through a protective cap, etc.), and 3) the specific IC instrument (i.e., zoning, easement, permit) required. There are two general purposes for ICs, to protect the remedy and to protect human health. Often there are multiple objectives for each media at a site, so multiple ICs are required. When you are developing a ROD with ICs we typically ask for the following aspects a level of detail. This is a cut and paste from the following link and only some refer to the actual verbiage in the ROD, but they are all remedy decision specific tips.

<http://www.epa.gov/superfund/action/ic/guide/guide.pdf>

During remedy selection, the site manager should:

- present information that helps the public understand the impacts of the specific IC relationship with the overall remedy
- clearly describe the objectives to be attained by ICs
- specify performance standards (e.g., prevent exposure to contaminated ground water well drilling)
- consider layering ICs to enhance their overall effectiveness
- discussions with entities (e.g., local/state governments) involved in implementing
- discuss the kinds of controls envisioned and include enough information to show implementation of the ICs can reasonably be expected
- discuss plans for monitoring land use and other aspects of the remedy that depend
- discuss the enforcement mechanisms that are anticipated to ensure the long-term ICs
- continue coordination with attorneys

The other suggestion I have is to be sure to include a requirement that the Remedial Design have a IC Implementation and Assurance Plan either substantively met in the RD or a stand alone document developed as a part of the RD. Either way is fine.

I hope this helps. If not please give me a call.

Ernie Watkins

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